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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Written statement*/ submitted by Agir ensemble pour les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 February 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

"VIOLATIONS OF THE CONVENTIONAL PRINCIPLES AND NORMS OF INTERNATIONAL LAW CONCERNING CONSCRIPTS AND SOLDIERS BY THE RUSSIAN ARMED FORCES"

The Union of the Committees of the Soldiers Mothers of Russia (UCSMR), till 1998 - **The Committee of the Soldiers Mothers of Russia,** presents in 89 regions of Russia, organizes legal and medical consultations for conscripts and their parents (more 5 000 peoples per year), solves personal complains concerning violations of Human Rights in the Armed Forces (more than 9000 appeals per year), solves written complains by the military and law enforcement bodies (more 6000 letters per year, more 10000 answers prepared), addresses various State authorities on the matters of Human Rights violations and suggested reforms of legislation (up to 100 outgoing letters per year), participates in investigation and judicial proceedings of civil (violation of conscripts' rights) and criminal cases (about 20 participation in court sessions per year). The UCSMR cooperates with regional committees of the soldiers mothers and NGO, and organizes seminars and conferences.

According to the UN, member-states are bound to respect human rights and fundamental freedoms. The UCSMR informs the Human Rights commission of the United Nations that:

Russia violates principles of the Universal Declaration of human rights, which proclaims the prime value of Human Rights and dignity of person, violates the conventional norms of international law and main principles of humanitarian law.

Without declaration of war, the State of Russia conducts military operations on the Northern Caucasus, without defining officially their legal status and without stipulating limits, as well as the period of limitations of the rights and freedoms of the citizens, which are situated in a combat zone not at their own will.

Russia delegated authority for the settlement of an armed conflict to the militaries, without limitation both large-scale applications of armaments and manpower and voluntary installment of military orders in settlements even outside of a combat zone.

The State of Russia issues arbitrary orders instead of acting according to the laws, violating and **detracting rights of citizens in a peaceful time**, violates the rights of relatives for the information about their sons (does not publish the official reports from a combat zone, casualty lists), allows tortures of soldiers, does not take effective measures for prevention of tortures, protection of victims of tortures and witnesses, and has not issued the laws qualifying tortures as crimes.

About 1 million citizens, during conscription and military service, are annually victims of Human Rights violations. Conscripts' relatives and soldiers are also victims of such violations.

The State of Russia is violating the Universal Declaration of Human Rights - article 3, article 25 part 1, the International Pact about Civil and Political Rights - article 4, 6, 40, the Convention against tortures, the Geneva conventions and Additional Protocols I and II.

The UCSMR receives complaints from every regions of Russia. Soldiers and their parents reports refusal of rendering medical aid, poor meals, impossibility to observe hygiene's norms; impossibility to receive information about servicemen in combat zone, including wounded and ill; impossibility to visit military hospitals; poor organization of postal service for servicemen; impossibility to obtain the social help for servicemen commissioned soldiers, including wounded and handicapped. There are no services of medical, psychological and social rehabilitation.

Citizens of a conscript age and their parents reports negligence of medical examinations of conscripts, not giving the information about their legitimate rights and citizens' right violations in the refusing to replace a military service by alternate civil service – by all branches of Russian executive authorities.

Judicial protection of fundamental laws is not ensured as judges depend on the executive authorities and mostly incompetent violating the Constitution and other laws. More over in war conditions it is impossible for soldiers to appeal to military justice.

President of Russia broke his constitutional obligation as guarantor of the citizens' constitutional right for the life (article 80 of RF Constitution) by issuing a Decree # 1366 of 15.10.99, which has the power of law. By issuing this Decree, he abolished, previously declared in Decrees # 723 of 16.05.96, # 1356 of 11.11.98 and # 1237 of 16.10.99, **a principle of the voluntary of conscripts' participation in actions,** therefore diminishing their main rights for life and personal safety, what is inadmissible in a State which proclaims itself democratic.

BY THE UCSMR UNOFFICIAL DATA MORE THAN 1000 CONSCRIPTS HAVE BEEN KILLED IN ACTIONS AND DIED OF WOUNDS SINCE BEGINNING OF AUGUST, 1999.

Andrushchenko Andrew, conscripted in spring, 1999. Being an orphan, he lived with his grandmother and four sisters. As the only breadwinner he served not far from his home during the first six months. In August he was sent to Daguestan. Killed in action.

Moshtyrev Michael, born in 1979, conscripted in 1998. Wounded in action near Bamut, 13.12.99, was sent to the municipal hospital in Ordgonekitskaya. Died there when operated because of switching-off the electricity.

Kvaskov Ivan, born in 1980, conscripted in 1998. The only son of a handicapped father. The draft commission did not give him the legal conscription' postponement. Was sent to combat zone. Was heavy wounded in a stomach and the right leg, operated. Now there are two handecapped in the family. Nobody looks after them.

Chmelev Aleksey, born in 1981, conscripted in 1999. On the way to Bamut his fighting machine caught fire. Undressed, barefoot and hungry soldiers were picked up by local inhabitant, who notified the parents. ***Aleksey*** was found by mother with lost vision, illness of liver, in a somber mental condition and with dystrophy. Neighbors helped mother with transport expenses (Siberia-Bamut-Siberia).

Sagalov Andrew, born in 1981, conscripted in spring, 1999. His mother found him in Vladikavkaz' hospital with the disturbed mentality, duodenal ulcer, almost blind, lice-ridden with dystrophy. His family is poor. There are two children except Andrew. The medical staff is indifferent to wounded. There is a lack of medicines in the hospital.

Shuranov Evgueni, born in 1981, conscripted from Moscow. He was beaten and humiliated both by soldiers-veterans and the officers. Was chained up in a room with grilles. Was beaten by the officer Borisov in December 16, 1999. Being in handcuffs he escaped from the unit with broken toes and knee hematoma.

Gorbunov Evgueni, born in 1977, conscripted in 1995. Lost a kidney because of illness. Waiting for kidney transplantation has been in hospital for almost three years. Needs a regular (3 times per week) haemodialysis, one session costs 200 $. Military physicians ask the UCSMR for help in pushing fulfillment of transplantation.The parents can visit him seldom because of lack of money.

Sapronov Vladimir, born in 1979, conscripted 22.12.97, three months and half before military age and without proper medical examination. Since childhood suffered from psychoneurological disease. From the very first days of service in a military-construction unit was tortured. Got a heavy illness. Three months later was commissioned because unfitness by heals. Diagnosis: a hydrocephalus, cyst of the right temporal - occipital area and resistant neurosis syndrome. Vladimir can't work, study, requires constant supervision.

Efimov Evgueni, born in 1979, conscripted, in November 1997 with a disease of vision. Was directed to interior troops as a sniper! After four months of his service the vision declined in 12 times (!). In March, 1998 was dismissed because of health. Needs treatment, has problems with job.

Churbanov Peter, born in 1980, the member of the Church of ST. Trinity in Moscow, student of Theological Institute. Engaged in work with difficult adolescents. Declared the conscience objection, but was conscripted. Appealed to court for protection of his constitutional right for replacement of military service by non-military service, lost his case.

Krasikov Yuri, born in 1981, a social worker of Social Center Refused military service by conscience motives and asked to consider his service in the Center as alternative service. Was nevertheless conscripted. Yuri appealed for protection of constitutional right to the regional court, and lost his case. The Moscow municipal court confirmed the verdict of the Kunzevo' court in December 20,1999.

To stop HR violations in the Russian armed forces the State authorities have to abolish the involuntary conscription.

J.Gorjacheva, N.Zhukova, L.Zinchenko, A.Ignatieva, I.Kuklina, V.Melnikova, L.Melnikova, S.Ugarova, M.Fedulova, N.Shvol, A.Shitjakova and others – 40 UCSMR members of different regions.